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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 BECKMAN COULTER, INC.,
15 Plaintiff,
16
17 v.
18 HEMOSENSE, INC.,
19 Defendant.

Case No. C 07-05246-RMW

**PLAINTIFF BECKMAN
COULTER, INC.'S MOTION FOR
EXTENSION OF TIME TO
SERVE THE SUMMONS AND
COMPLAINT AND
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

Civ. Loc. Rule 6-3

Complaint Filed: Oct. 15, 2007
Date: March 14, 2008
Time: 9:00 a.m.
Judge: Hon. Ronald M. Whyte
Courtroom: 6

1 Please take notice that at 9:00 a.m. on March 14, 2008, or as soon thereafter as the matter
2 may be heard, in Courtroom 6, 280 South First Street, San Jose, California, Plaintiff Beckman
3 Coulter, Inc., (“Beckman”) will move, and hereby does so move, for an extension of time to serve
4 the summons and complaint in this action, and a continuance of the currently-scheduled case
5 management conference.

6 Pursuant to Civil Local Rule 6-3, Plaintiff respectfully requests a 60-day extension of the
7 deadline for service of the summons and complaint on Defendant Hemosense, Inc.
8 (“Hemosense”). Beckman also requests that the Case Management Conference, currently
9 scheduled for February 22, 2008, be taken off calendar, to be rescheduled after Hemosense is
10 served with and responds to the complaint.

11 The Federal Rules provide that service should be effected within 120 days of filing the
12 complaint. Fed. R. Civ. P. 4(m). However, the rule also specifies that on a showing of “good
13 cause,” the court “must extend the time for service for an appropriate period.” *Id.* Here, good
14 cause exists for an extension of the deadline for service of process. Beckman filed the Complaint
15 on October 15, 2007, so the deadline is currently February 12, 2008. However, the parties are
16 engaged in settlement discussions, and these discussions may make service of the complaint
17 unnecessary. (Declaration of David C. Doyle in Support of Motion for Extension of Time ¶ 2.)

18 Also, good cause exists to take the currently-scheduled case management conference off
19 calendar. Rescheduling the conference when Hemosense has been brought into the case and the
20 pleadings are complete will avoid any unnecessary waste of this Court’s resources.

21 Dated: February 8, 2008

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23 By: /s/ David C. Doyle
24 David C. Doyle
25 ddoyle@mofo.com
26 Attorneys for Plaintiff
27 BECKMAN COULTER, INC.
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